



University of Baltimore Law ScholarWorks@University of Baltimore School of Law

All Faculty Scholarship

Faculty Scholarship

2007

Exorcising the Exercised: A Response to Professor Gordon

Kenneth Lasson

University of Baltimore School of Law, klasson@ubalt.edu

Follow this and additional works at: http://scholarworks.law.ubalt.edu/all_fac



Part of the [Legal Education Commons](#), and the [Legal Writing and Research Commons](#)

Recommended Citation

Exorcising the Exercised: A Response to Professor Gordon, 57 J. Legal Educ. 310 (2007)

This Response or Comment is brought to you for free and open access by the Faculty Scholarship at ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in All Faculty Scholarship by an authorized administrator of ScholarWorks@University of Baltimore School of Law. For more information, please contact snolan@ubalt.edu.

Exorcising the Exercised: A Response to Professor Gordon

Kenneth Lasson

I have always welcomed honest criticism of my work, as I hope other scholars do of theirs. If Robert W. Gordon's lengthy review of my book, *Trembling in the Ivory Tower: Excesses in the Pursuit of Truth and Tenure*, were the launching pad for a thoughtful essay on postmodern critical legal studies, I would not feel compelled to respond. Unfortunately, despite (and perhaps because of) Gordon's considerable notoriety as a CLS theorist, his disagreement with what I perceive to be the primary ills of the modern academy seriously misreads both the substance and satire of my book. More troubling still is that his argument is filled with factually baseless characterizations.

Here are a few examples of what I mean:

- Gordon exhaustively excoriates my "palpably unserious book" (156), while at the same time dismissing it as a "sloppy political polemic" (156) against what I see as "injurious trends in universities" (149). *Webster's* defines polemic as "an aggressive attack on or refutation of the opinions or principles of another."¹ Precisely. I never set out to write a scholarly treatise on the fallacies of deconstructionism—which, by the way, Gordon erroneously complains I criticize without ever defining or

Kenneth Lasson is a professor of law at the University of Baltimore School of Law.

References to Gordon's Book Review, *Kenneth Lasson, Trembling in the Ivory Tower: Excesses in the Pursuit of Truth and Tenure*, 56 J. Legal Educ. 149 (2006), appear as parentheticals in the text.

1. Merriam Webster Collegiate Dictionary (11th ed., Springfield, Mass., 2003).

disputing. (Evidently he missed at least three instances where I did just that.)²

- In pointedly putting down my perception of the academy's major problems (the excesses of multiculturalism, radical feminism, political correctness), in favor of *his* (tuition expenses, corruption of science by corporate sponsorship, the overuse of adjuncts), Gordon implicitly dismisses as passé or "really ridiculous" the cogent views of a number of modern scholars who agree with me (151).³

- Gordon's pecksniffian list of legal scholars he finds to be "exceptionally good writers" (151) hardly negates the hordes of bad ones and barely dilutes what law librarians call the "Junk Stream" that fills the 800 plus law reviews currently in publication.⁴ Perhaps more unsettling is his claim that

2. For example, I note that the radical feminist enterprise is to prove that all legal doctrine is a "patriarchal construct" which should be deconstructed—its façade torn away so that the underlying infrastructure of oppression can be revealed. Kenneth Lasson, *Trembling in the Ivory Tower: Excesses in the Pursuit of Truth and Tenure* 95 (Baltimore, 2003). In my book, I cited with favor John Martin Ellis, who writes in his fine works *Against Deconstruction and Literature Lost* that "practitioners of this theory form a kind of literary jet set whose language is indecipherable except to those who speak it—thereby qualifying themselves as insiders" and "[t]hose who do not...as old-fashioned and unsophisticated outsiders who camouflage their 'triviality or absurdity'" where "politics has become the most important aspect of literature, and oppression the most important aspect of politics." *Id.* at 137. And I offered a "bottom line" of deconstructive philosophy: "that no text—neither Lord Jim nor a Cheerios box top—is privileged over any other" *Id.* (quoting Wray Herbert, *The PC Assault on Science*, *U.S. News and World Report*, Feb. 20, 1995, at 64). I also refer readers confused by deconstructionism to Daniel A. Farber, *The Deconstructed Grocery List*, 7 *Const. Comment* 213 (1990). For other examples of deconstructionists like Gordon engaging in polemics of their own, see Gerald B. Wetlauffer, *Systems of Belief in Modern American Law: A View from Century's End*, 49 *Am. U. L. Rev.* 1, 24 n.80 (1999).

3. "Multiculturalism has reversed the notions of truth and lies, victim and victimiser... What we are living through in the west is nothing short of a repudiation of the Enlightenment, a repudiation of reason; and its substitution by irrationality, obscurantism, bigotry and clerical totalitarianism—all facilitated by our so-called 'liberal' society." Melanie Phillips, *Liberalism vs. Islamism*, *Daily Mail*, May 18, 2007, available at <<http://www.melaniephillips.com/articles-new/?p=510>> (last visited Oct. 12, 2007). See also Dan Subotnik, *Toxic Diversity* (New York, 2005); John O. McGinnis, *At Law School, Unstrict Scrutiny*, *Wall Street Journal.com*, Opinion, July 30, 2005.

I am not alone in pointing out the excesses of radical feminists who are free to attack men in the most offensive terms (for example, accusing all males of being rapists). Their mantra is, "I'm offended, it must be wrong." See, e.g., Alan Dershowitz, *Harvard Witch Hunt Burns the Incorrect at the Stake*, *Los Angeles Times*; Subotnik, *Toxic Diversity*, *supra* note 3, at 8. Censorship in the form of speech codes is also prevalent. See Foundation for Individual Rights in Education, *Report Finds Rampant Censorship at American Colleges and Universities* (Dec. 6, 2006), available at <<http://www.thefire.org/index.php/article/7556.html?PHPSESSID=>>> (last visited Oct. 12, 2007).

4. See Kenneth Lasson, *Scholarship Amok*, 103 *Harv. L. Rev.* 926, 928 (1990), and *Trembling in the Ivory Tower*, *supra* note 2, at 34. All such lists are of course highly subjective, but I find Gordon's inclusion of Catherine MacKinnon ("the most original and provocative theorist of legal feminism, with a large body of serious work that repays careful reading") to be particularly egregious. I consider MacKinnon to be an exemplar of bad writing

I don't say precisely what's bad about the writing I criticize—only that it is “bloated”—when in fact I cite many examples (151). Apparently he skipped over the three long passages I deliberately take great pains to parse and decipher, explaining in detail exactly how and why they are virtually incomprehensible.⁵

- “Lasson is remarkably careless,” writes Gordon, in supplying evidentiary proof of the excesses to be found in curricular PC (154). He quotes me as asserting, without sourcing, that Shakespeare is “no longer required reading at some large universities, even for those who major in English Literature[1]” (154). Could he have missed my explicit references to Georgetown and Stanford and other major universities where the Bard has been unmandated?⁶

He likewise takes me to task for not substantiating my suggestion that young scholars are often bound by the strictures of political correctness in their pre-tenure pieces. My data for this proposition are necessarily anecdotal, but Gordon's claim to the contrary is similarly source-less. I challenge him to name one “politically incorrect” piece written by an untenured scholar.⁷

- Gordon concludes by wondering aloud “why anybody would bother to review...at such great length” (156) what strikes him as “a mixture of the obvious and banal, the problematic and dubious, and the manifestly wrong” (149). He says one reason is that *Trembling in the Ivory Tower* “comes festooned with encomia by famous people who ought to know better,” then proceeds to scold a few of the more notable scholars who praised my work—like Alan Dershowitz (“a really important book [that is] also very witty, easily readable, and fun”) and Nadine Strossen (“[a] must-read for all those who care about higher education and the First Amendment—liberals and conservative alike”) (156).

I suppose I'd have been happier had he also quoted Erik M. Jensen, a veteran law professor at Case Western Reserve University, who wrote:

If Kenneth Lasson's description of the American academy is accurate, and it is, I'll get into trouble if I say anything nice about his book. So be it. *Trembling in the Ivory Tower: Excesses in the Pursuit of Truth and Tenure* is a wonderful work—relentlessly serious in its condemnation of scholarly gobbledygook, radical feminism, and political correctness, but also reaching 10 on the hilarity index. As I read Trembling, I was reminded of another Baltimorean, H. L. Mencken, who laughed (and made others laugh) as he chronicled the decline of civilization. Although a white male, Lasson represents the most under-represented

about bad ideas.

5. See Lasson, *Trembling in the Ivory Tower*, *supra* note 2, at 57-61.

6. See *id.* at 138.

7. See Subotnik, *Toxic Diversity*, *supra* note 3, at 32.

group in today's multi-cultural universities: those who care about the English language and rational thought.⁸

Could Gordon's animus have been motivated by the fact that I may have drawn blood? Sorry about that. In any event, I'll take my chances that readers of both my book and his review of it will be able to decide which (if either) is a dissonant diatribe and which an unwarranted hatchet-job.

8. This quote, as well as those from Dershowitz and Strossen, appear on the dust jacket of *Trembling in the Ivory Tower*. Quotes are set out in full and available at <http://www.bancroft-press.com/klasson_praise.html> (last visited Oct. 12, 2007). Jensen used to be editor of the *Journal of Legal Education*. I wonder if he or any of the other scholars who liked my book would want to withdraw their comments now that Gordon has explained its true worthlessness.